

Exhibit 5

Subject: RE: Corephotonics v. Apple - iPhone 14 models

Date: Tuesday, July 25, 2023 at 7:04:13 PM Central Daylight Time

From: Mead, Lowell

To: ptong@raklaw.com, z/Apple-Corephotonics

CC: corephotonics@raklaw.com

Peter,

Apple does not consent to the proposed amendment to Corephotonics's infringement contentions as Corephotonics has not demonstrated the required good cause including diligence.

Best regards,

Lowell

Lowell D. Mead

Cooley LLP

Mobile: (650) 520-0788

Office direct: (650) 843-5734

From: ptong@raklaw.com <ptong@raklaw.com>

Sent: Friday, July 14, 2023 12:01 PM

To: Mead, Lowell <lmead@cooley.com>; z/Apple-Corephotonics

<zAppleCorephotonics@cooley.com>

Cc: corephotonics@raklaw.com

Subject: Re: Corephotonics v. Apple - iPhone 14 models

[External]

Lowell,

We will not assert claims that we canceled in reexam.

Peter Tong

Russ, August & Kabat

4925 Greenville Avenue, Suite 200 | Dallas, Texas 75206

Main +1 310 826 7474 | ptong@raklaw.com | www.raklaw.com

From: Mead, Lowell <lmead@cooley.com>

Date: Wednesday, July 12, 2023 at 6:02 PM

To: ptong@raklaw.com <ptong@raklaw.com>, z/Apple-Corephotonics

<zAppleCorephotonics@cooley.com>

Cc: corephotonics@raklaw.com <corephotonics@raklaw.com>

Subject: RE: Corephotonics v. Apple - iPhone 14 models

Peter,

As a point of clarification – please confirm that the inclusion of '291 claims 12 and 13 in the proposed amended contentions was inadvertent given that Corephotonics canceled those claims in the reexam.

Thanks,

Lowell

Lowell D. Mead

Cooley LLP

Mobile: (650) 520-0788

Office direct: (650) 843-5734

From: ptong@raklaw.com <ptong@raklaw.com>

Sent: Wednesday, July 5, 2023 2:37 PM

To: Mead, Lowell <lmead@cooley.com>; z/Apple-Corephotonics

<zAppleCorephotonics@cooley.com>

Cc: corephotonics@raklaw.com

Subject: Re: Corephotonics v. Apple - iPhone 14 models

[External]

Hi Lowell,

I hope you got to enjoy some time off for the 4th of July. I'm getting back to your request below.

The iPhone 14 series was released around Sept. 16, 2022. Corephotonics managed to obtain samples of the iPhone 14, 14 Pro, and ProMax on October 12 and 27, 2022. Corephotonics diligently tested the devices. The testing resulted in privileged work product dated Oct. 18, 30, 31; Nov. 3, 8, 16, 17, 19, 20, 22, 27, 28, 30, 31; Dec. 22, 28, and 29 of 2022 and Jan. 3, 4, 10, and 16; Mar. 9, 14, 16; and Apr. 16, 17, and 18 of 2023. Corephotonics then notified you that it intended to amend its contentions to add the iPhone 14 on April 27, 2023.

Keep in mind that Corephotonics is an Israeli company. Israel has seen significant civil unrest that has disrupted routine business in the first quarter of 2023. Corephotonics implemented a policy allowing its employees to participate in demonstrations supporting the integrity of Israel's judiciary with full pay and without counting against employee holidays. The Corephotonics employees responsible for testing repeatedly participated in these civil demonstrations to preserve the integrity of their country's judicial system.

The amended contentions are attached hereto. With many months of discovery left and claim construction pushed back, there is no unfair prejudice to Apple. Please ask Apple to confirm that it will not oppose our motion for leave to serve the amended contentions, as it is in Apple's best interest. Even if Apple were to somehow successfully oppose, the result is that the contention will be made in a new lawsuit that will likely get consolidated back into this pending case on the existing schedule. This just results in unnecessary work for everyone, including Apple, before reaching the same result. I don't think Apple would want to waste unnecessary resources.

Peter Tong
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From: Mead, Lowell <lmead@cooley.com>
Date: Monday, May 15, 2023 at 10:18 PM
To: ptong@raklaw.com <ptong@raklaw.com>, James Tsuei <jtsuei@raklaw.com>,
z/Apple-Corephotronics <zAppleCorephotronics@cooley.com>
Cc: corephotronics@raklaw.com <corephotronics@raklaw.com>
Subject: RE: Corephotronics v. Apple - iPhone 14 models

Peter,

Under N.D. Cal. Pat. L.R. 3-6 and case law precedent, Corephotronics needs to obtain leave of Court to amend its infringement contentions upon a showing of good cause that includes diligence by Corephotronics. Please provide a copy of Corephotronics's proposed amendment. The content of the proposed amendment may affect Apple's position in response, such as by revealing new claim construction disputes or other issues. Please also provide the basis for Corephotronics's assertion of diligence, including all activities and associated dates that Corephotronics relies upon to assert diligence.

After we receive these disclosures, we can evaluate them and schedule a time to meet and confer as needed.

For the record, there is no merit to your suggestion that "Apple just delayed the case," as it was Corephotronics's activity in connection with the Patent Office reexamination that resulted in the Court postponing the Markman hearing (see Dkt. Nos. 171, 173).

Best regards,

Lowell

Lowell D. Mead
Cooley LLP
Mobile: (650) 520-0788
Office direct: (650) 843-5734

From: ptong@raklaw.com <ptong@raklaw.com>
Sent: Friday, May 12, 2023 1:53 PM
To: Mead, Lowell <lmead@cooley.com>; James Tsuei <jtsuei@raklaw.com>; z/Apple-Corephotronics <zAppleCorephotronics@cooley.com>
Cc: corephotronics@raklaw.com
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[External]

Lowell,

Corephotronics has good cause to add this now because it is a new product released after we filed the complaint. It takes time to conduct due diligence and investigate newly released

products before we add them to a case. There is no unfair prejudice to Apple. Moreover, Apple just delayed the case yet again by six months. To the extent Apple might have claimed any unfair prejudice based on a delay from September to April, that has been completely wiped out by your case extension. Do we still need to confer about this, or in light of the extension, will Apple withdraw its objection to adding the iPhone 14 series?

Peter Tong

Russ, August & Kabat

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From: Mead, Lowell <lmead@cooley.com>

Date: Friday, April 28, 2023 at 12:45 PM

To: James Tsuei <jtsuei@raklaw.com>, z/Apple-Corephotronics <zAppleCorephotronics@cooley.com>

Cc: corephotronics@raklaw.com <corephotronics@raklaw.com>

Subject: RE: Corephotronics v. Apple - iPhone 14 models

James,

So that Apple can evaluate this request and we can have a meaningful meet and confer, can you please explain what Corephotronics believes to be the good cause, including diligence, to amend its contentions to accuse these products under the applicable facts and circumstances, including the fact that these products were introduced in September 2022 (e.g., <https://www.apple.com/newsroom/2022/09/apple-introduces-iphone-14-and-iphone-14-plus/> and <https://www.apple.com/newsroom/2022/09/apple-debuts-iphone-14-pro-and-iphone-14-pro-max/>)?

Best,
Lowell

Lowell D. Mead

Cooley LLP
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Office direct: (650) 843-5734

From: James Tsuei <jtsuei@raklaw.com>

Sent: Thursday, April 27, 2023 12:41 PM

To: z/Apple-Corephotronics <zAppleCorephotronics@cooley.com>; Mead, Lowell <lmead@cooley.com>

Cc: corephotronics@raklaw.com

Subject: Corephotronics v. Apple - iPhone 14 models

[External]

Apple counsel, Corephotronics intends to move to add the following models of iPhones to its infringement case for the '291 patent: iPhone 14, iPhone 14 Plus, iPhone 14 Pro, iPhone 14 Pro Max. Please let us know if Apple consents, or otherwise please provide your availability to meet and confer on this issue.

Thanks,

--
James Tsuei
Russ August & Kabat

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Los Angeles, CA 90025
(310) 826-7474
jtsuei@raklaw.com

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